

Docket No. 56843 (71987)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: C. Ke et al.
SERIAL NO: 10/039,219
FILED: January 2, 2002
FOR: SEMICONDUCTOR PACKAGE AND METHOD FOR FABRICATING THE SAME

EXAMINER: D. Nguyen
GROUP: 2814

#5 Election
Martha
2/11/03

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By: 
Steven M. Jensen*****
Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

RESPONSE TO OFFICE ACTION

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Applicants are in receipt of the Office Action dated January 7, 2003 of the above-identified application.

In response to the Restriction Requirement, Applicants provisionally elect Group I, claims 1-4, with traverse. The present election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter of the application. Applicants reserve the right to file divisional application(s) on the non-elected claims.

Applicants traverse the Restriction Requirement on the basis that, while the claims of Groups I and II are drawn to a semiconductor package and a method for fabricating a semiconductor package, respectively, the Examiner has failed to demonstrate that the product as claimed can be made by "another and materially different process." According to MPEP

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§806.05(f), it is permissible to define a product in terms of a process by which it is made, in order to define the invention.

The Office Action states that: "[i]n the instant case, it would be possible to form a second tape to the encapsulant prior to the step of adhering to the first side of the lead frame."

The Examiner's proposed modification to the claimed method is not understood. Neither the semiconductor package recited in claim 1 nor the method of claim 5 recite forming "a second tape to the encapsulant."

Both the claimed method and product require forming an encapsulant for encapsulating "the lead frame with the outer leads being exposed, wherein a cavity is formed in the encapsulant for exposing the die pad and the inner leads on the first side of the lead frame, allowing a semiconductor chip and bonding wires to be received in the cavity" (claim 1, second paragraph; claim 5, second paragraph). Claim 5 recites additional steps which are similar to corresponding limitations of claim 1.

Therefore, the Examiner has failed to satisfy the burden of showing that the product as claimed can be made by another and materially different process.

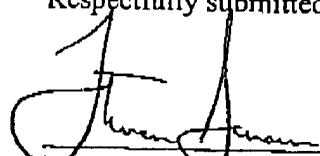
Withdrawal of the restriction requirement, and early consideration and allowance of the application are earnestly solicited.

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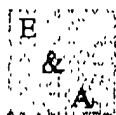
Respectfully submitted,



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DATE: February 5, 2003

TO: U.S. Patent & Trademark Office
Examining Group 2800

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FROM: Steven M. Jensen

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Our Docket No.: 56843 (71987)

No. of Pages (incl. cover): 3

Re: U.S. Serial Number 10/039,219

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